



Rockdale County Public Schools

Developing Our Greatest Resource

Ruel M. Parker
Superintendent

Board of Education
Travis Collins
Jeff Dugan
Darlene E. Hotchkiss
Raymond Ramos
Dr. Thomas M. Serra
Tony L. Wilson
Jean Yontz

Forrest Jack Lance
General Counsel

April 19, 2004

Federal Communications Commission
Office of the Secretary
445 – 12th Street, S.W.
Washington, DC 20554

Dear Sir or Madam:
CC Docket No. 02-6

Subject: Request for Review of SLD Decision FRN 993393

Charles Bennett is my point of contact to discuss this appeal. Below is his contact information.

954 N. Main Street
Conyers, GA 3002
770-860-4279
Fax 770-860-4266
cbennett@rockdale.k12.ga.us

We are appealing SLD decision for –

Funding year: 2003
Billed Entity Number: 127263
471 Application Number: 365702
Funding Request Number: 993393
Last correspondence dated: 3/26/2004

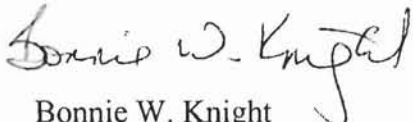
Our initial application requested Telecommunication Services for our Wide Area Network (WAN). For the first time in this request we had added the on-premise equipment as part of the lease agreement for the WAN. We realized that there were very stringent rules that we had to follow in order to get the determination that this would still fall under Telecommunications Service and not Internal Connections and we worked very closely with our service provider to ensure that our agreement followed those specific guidelines.

The Gigabit Ethernet Service provided is external to our buildings and provided us our wide area network communications service. Our local area networks continue to function when this service is disconnected. Not until this decision from SLD were we aware that the technology of service provided was in question and would be considered as an internal connection.

In the initial review we incorrectly indicated that there were contractual, technical, or other limitations that would prevent the service provider from using the leased on-premise data communications equipment in part for other customers. We answered correctly in our Letter of Appeal to SLD on November 6, 2003. We do not have any contractual, technical, or other limitations that would prevent the service provider from using the leased on-premise data communications equipment in part for other customers.

Based on our original intent with the service provider and our initial application we believe that SLD incorrectly designated our request to an Internal Connections category from our request for Telecommunications Service category.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bonnie W. Knight".

Bonnie W. Knight
Assistant Superintendent
770-860-4257
bknight@rockdale.k12.ga.us

attachment – USAC letter dated 3/26/04

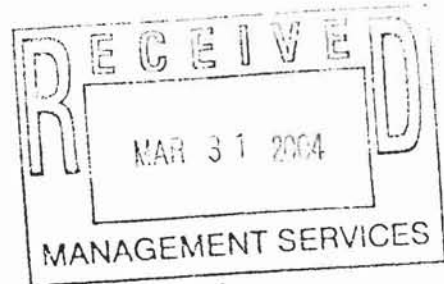


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2003-2004

March 26, 2004

Bonnie W. Knight
Rockdale County Public Schools
954 North Main Street
Conyers, GA 30012-4480



Re: Billed Entity Number: 127263
 471 Application Number: 365702
 Funding Request Number(s): 993393
 Your Correspondence Dated: November 6, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2003 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 993393
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you request that the service category for the above referenced funding request number be changed to Telecommunications Service or Internet Access. In support of your request, you assert that the service is eligible WAN service, and the equipment lease falls within the guidelines listed on the Wide Area Network Fact Sheet.
- Upon thorough review of the Letter of Appeal and all supporting documentation, we find that the proper service category for FRN 993393 is Internal Connections. Further, on appeal, the information provided contradicts information provided during the initial review process. Specifically, within the appeal letter you state that the school district does not have a contractual right to exclusive use of the equipment. However, on July 8, 2003, in response to PIA questions, you indicated that there were "contractual, technical or other limitations that would prevent the service provider from using the leased on-premise data communications equipment in part for other

customers.” Furthermore, the installed services clearly indicated a Gigabit Ethernet, which is eligible under the Internal Connections service category. Therefore, the service category for FRN 993393 was properly changed to Internal Connections. Consequently, the appeal is denied.

- FCC rules require that where demand for funding exceeds available support, first priority be given to requests for telecommunications services and Internet access. *See* 47 C.F.R. §54.507(g)(1)(i). FCC rules further require that requests for internal connections be given second priority, and be funded only if funds remain after support has been provided for telecommunications and Internet access through all discount levels in a funding year. *See* 47 C.F.R. § 54.507(g)(1)(ii). Where demand for discounts for internal connections exceeds available support, FCC rules require funding be awarded first to applicants eligible for a ninety percent discount level, and then at each descending single discount percentage until funds are depleted. *See* 47 C.F.R. § 54.507(g)(1)(iii). Program procedures further require that funding requests for Telecommunications Service and Internet Access, that include internal connections services, be categorized as Internal Connections to prevent Priority 2 services (Internal Connections) from being treated as Priority 1 services (Telecommunications Service and Internet Access) for funding decisions.
- Since your Form 471 included Internal Connections services: Installation of Gigabit Ethernet, within your Block 5 request for priority one services, your Form 471 request has been re-categorized as a request for Internal Connections services. For Funding Year 2003, there are not sufficient funds to provide Internal Connections discounts to applicants at your discount rate. Your discount eligibility is 56%. Consequently, SLD denies your appeal because given demand, the funding cap will not provide for Internal Connections at your approved discount level to be funded.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company